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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of the	)	
	)	
Adoption of 911 Requirements for	)	IB Docket No. 99-67;
Satellite Services	)	DA 00-2826

SUPPLEMENTAL COMMENTS OF MOTIENT SERVICES INC.

Motient Services Inc. ("Motient") hereby comments on the Commission's December 2000 *Public Notice* in which it seeks additional comments on whether to adopt basic 911 and enhanced 911 ("E911") requirements for mobile satellite service ("MSS") providers.[1] Motient urges the Commission to continue to exempt Motient's first generation MSS system from any E911 requirements that the Commission may impose. For future MSS systems, if the Commission determines that it may want to require the provision of E911, the Commission, as it suggests, should first form an advisory committee to assess the need for and the technological and financial feasibility of such an E911 requirement for the MSS industry.

Background

Motient is the entity authorized by the Commission in 1989 to construct, launch, and operate a U.S. MSS system in the L-band.[2] The first Motient satellite was launched in 1995, and Motient began offering service in 1996, representing an investment of over $600 million in private funding. Today, Motient offers a full range of land, maritime, and aeronautical mobile

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[1] "International Bureau Invites Further Comment Regarding Adoption of 911 Requirements for Satellite Services," *Public Notice*, IB Docket No. 99-67, DA 00-2826 (rel. December 15, 2000) ("*Public Notice*").

[2] Memorandum Opinion, Order and Authorization, 4 FCC Rcd 6041 (1989); Final Decision on Remand, 7 FCC Rcd 266 (1992); aff'd sub nom. Aeronautical Radio, Inc. v. FCC, 983, F.2d 275 (D.C. Cir. 1993) ("Licensing Order").

satellite services, including voice and data, throughout the contiguous United States, Alaska, Hawaii, the Virgin Islands, and coastal areas up to 200 miles offshore.

In January 2001, Motient applied to the Commission to assign its licenses and authorizations to Mobile Satellite Ventures Subsidiary LLC ("MSV"), a new company that will be jointly owned by Motient; TMI Communications and Company, Limited Partnership ("TMI"), the operator of the Canadian-licensed MSS system; and a group of new investors.[3] In addition to owning and operating Motient's first generation MSS system, MSV will launch and operate a next generation MSS system.

Motient's Commitment to Emergency Communications. Throughout its existence, Motient has recognized the importance of emergency communications. Motient's system has facilitated the provision of emergency services in vast areas presently unserved by any mobile communications facilities and, in many cases, by any communications facilities whatsoever. Moreover, Motient has invested significant resources in the development of an emergency communications capability. Under its Emergency Referral Service ("ERS") system, Motient has a group of trained emergency operators on call at all times at its Reston headquarters. Upon receiving a call from a subscriber, these operators request the caller's location and phone number and conference the caller in with the appropriate emergency contact, who is also supplied with this key information.

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[3] *See* Application of Motient Services Inc. and Mobile Satellite Ventures Subsidiary LLC, File No. SAT-ASG-20010116-00010 et. al (January 16, 2001).

The Commission's Approach to E911 for MSS. In 1996, the Commission exempted MSS providers from its E911 requirements.[4] In adopting this exemption, the Commission recognized that there are serious technological obstacles to MSS operators' compliance with the E911 rules and that MSS operators would have to overcome more obstacles to provide E911 than their terrestrial counterparts. *E911 Order* at ¶ 83. In that proceeding, Motient explained that due to the technical limitations of its MSS system, it could not satisfy a limited number of the Commission's E911 requirements, particularly those relating to the provision of automatic location identification ("ALI") and automatic number identification ("ANI").[5] Motient uses five slightly overlapping satellite beams that generally cover the North American region. While Motient can tell which beam is being utilized on a particular call, each of these beams covers thousands of square miles, and Motient therefore cannot determine a user's exact location. *E911 Comments* at 7-9. As Motient indicated in the E911 proceeding, the modifications required to comply with the proposed E911 requirements, especially those pertaining to ALI, would require several hundred million dollars of changes to Motient's system design. *Id.* This would include significant modifications to Motient's earth station and switch, as well as to its mobile terminals. *Id.* at 8-9.

In March 1999, the Commission issued a Notice of Proposed Rulemaking proposing domestic implementation of the International Telecommunications Union ("ITU") GMPCS

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[4]*See* Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Report and Order and Further Notice of Proposed Rule Making*, CC Docket No. 94-102, 11 FCC Rcd 18676 (1996) ("*E911 Order*").

[5]Comments of Motient Services Inc. (f/k/a AMSC Subsidiary Corporation), CC Docket No. 94-102, at 7-9 (March 4, 1996) ("*E911 Comments*").

framework.[6] In this NPRM, the Commission requested comment as to whether, in light of technological developments, it should require GMPCS systems to implement E911 capabilities. *GMPCS NPRM* at ¶ 98. In response, Motient argued that there was no basis for eliminating or narrowing the E911 exemption granted to MSS providers.[7] While the Commission referred to unidentified "technological developments" in the MSS industry possibly justifying elimination of the E911 exemption, Motient noted that its MSS technology had remained the same, and that it still did not have the ability to comply with the Commission's E911 requirements. *GMPCS Comments* at 17. In addition, Motient argued that the enormous investment that would be necessary to comply with E911 requirements was simply not feasible. *Id.*

In December 2000, the Commission released the above-referenced *Public Notice* in which it again seeks comment on whether to require MSS providers to implement basic 911 and E911 capabilities. In this *Public Notice*, the Commission asks interested parties to address the technological feasibility of E911 for MSS as well as to assess the need for such a requirement.

Discussion

I. THE COMMISSION SHOULD CONTINUE TO EXEMPT MOTIENT'S FIRST GENERATION MSS SYSTEM FROM ANY E911 REQUIREMENTS

In two previous proceedings, Motient has indicated that its MSS technology simply does not allow it to comply with the Commission's E911 requirements, such an ANI and ALI.[8]

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[6]Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band, *Notice of Proposed Rulemaking*, 14 FCC Rcd 5871 (1999) ("*GMPCS NPRM*").

[7]Comments of Motient Services Inc. (f/k/a AMSC Subsidiary Corporation), IB Docket No. 99-67, at 17 (June 21, 1999) ("*GMPCS Comments*").

[8]*See generally E911 Comments*; *GMPCS Comments*.

Motient's technology has not changed since the launch of AMSC-1 in 1995, nor will it until the launch of its proposed next generation system. With this in mind, Motient urges the Commission to continue to exempt Motient's first generation MSS system from any E911 requirements. Motient's first generation satellite system was developed without any Commission requirement that it provide ANI, ALI, or any other 911 requirement. To retrofit Motient's system to comply with these requirements now, after years of operation, would impose a financial burden on Motient that is simply not feasible. Aside from serious questions regarding the technological and financial feasibility of requiring E911 for first-generation MSS systems, it is unclear whether there is sufficient need for MSS E911 given that current MSS systems have not gained a significant share of the voice market.

Even without the obligation to provide 911 services, Motient already provides callers with excellent emergency service. As described above, Motient has a group of trained emergency operators on call at all times at its Reston headquarters. Upon receiving a call from a subscriber, the operator requests the caller's location and phone number and conferences the caller in with the appropriate emergency contact, who is also supplied with this key information.[9]

II. BEFORE IMPOSING AN E911 REQUIREMENT ON FUTURE MSS SYSTEMS, THE COMMISSION SHOULD FIRST FORM AN ADVISORY COMMITTEE

Before imposing E911 requirements on future MSS systems, the Commission should first critically assess the need for such enhanced emergency services and balance this demand with the significant cost of implementing E911. Imposing E911 requirements on future MSS systems and those in development may not be in the public interest if a sufficient need for MSS E911 does not exist.

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[9] *See GMPCS Comments* at 5.

If the Commission does determine that there is a sufficient need for MSS E911, then Motient urges the Commission to first form an advisory committee, or to encourage the formation of a voluntary ad hoc fact finding committee, to assess the technological and financial feasibility of implementing E911 for future MSS systems. In the *Public Notice*, the Commission notes that a voluntary ad hoc group consisting of the public safety and wireless communities developed the "Consensus Agreement" which lead to the terrestrial wireless E911 rules. *Public Notice* at 4.

As demonstrated by the number and complexity of the questions presented in the Commission's *Public Notice*, imposing E911 obligations on MSS providers involves a number of complicated issues which can only be resolved through dialogue between the public safety community, MSS providers, and equipment manufacturers. Therefore, if the Commission does determine that there is a sufficient need for MSS E911, an advisory committee, similar to the one formed to develop terrestrial wireless E911 requirements, would be the most appropriate forum in which to assess the many technical and cost issues surrounding E911 for MSS providers.

Conclusion

Therefore, based on the foregoing, Motient urges the Commission to act in a manner consistent with the views expressed in these Comments.

Respectfully submitted,

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